

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

50607

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In Re:

CHRISTOPHER O'BRIEN



Order Filed on April 16, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case number: 19-32454

Adv. No.

Hearing Date: 3-31-20

Judge: (JNP)

**ORDER RESOLVING MOTION FOR RELIEF FROM STAY: FOR SECURED AMOUNT TO BE
PAID THROUGH DEBTOR'S CHAPTER 13 PLAN, ADEQUATE PROTECTION PAYMENTS, AND
STAY RELIEF UNDER CERTAIN CIRCUMSTANCES**

The relief set forth on page number two (2) through three (3) is hereby **ORDERED**.

DATED: April 16, 2020

A handwritten signature in dark ink, appearing to read "J. Poslusny", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

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Debtor: Christopher O'Brien

Case No: 19-32454

Caption of Order: Order for secured amount to be paid through Debtor's Chapter 13 Plan, adequate protection payments, and stay relief under certain circumstances

This matter having brought before this Court on a Motion For Stay Relief filed by John R. Morton, Jr., Esq., attorney for Thrift Investment Corporation ("Thrift), with the appearance of Andrew M. Carroll, Esq. on behalf of the Debtor, and this Order having been filed with the Court and served upon the Debtor and his attorney under the seven day rule with no objections having been received as to the form or entry of the Order and for good cause shown, it is hereby

ORDERED:

- 1. That Thrift is the holder of a first purchase money security interest encumbering a 2014 Ford Explorer bearing vehicle identification number 1FM5K8D8XEGA72641.**
- 2. That the Debtor is pay Thrift's claim for the vehicle through his Chapter 13 Plan.**
- 3. That the secured amount that Thrift shall be paid through the Debtor's plan shall be \$15,277.00. This amount is reached using the agreed value of the vehicle of \$12,935.59 (the net loan balance), amortized at 6.75% over 60 months.**
- 4. That commencing April 2020, the Chapter 13 Trustee is to make monthly adequate protection payments to Thrift in the amount of \$165.00. Adequate protection payments to Thrift shall be made monthly up to and after confirmation, until all counsel fees have been paid and regular distributions begin to be made to Thrift. If in any month there are insufficient funds on hand to pay both counsel fees and adequate protection payments, then funds on hand shall be used to pay adequate protection payments first, with the remaining balance going to counsel fees. If, after confirmation, counsel fees remain to be paid, then adequate protection payments shall continue to be paid to Thrift until the remaining counsel fees have been paid. The Debtor shall receive a credit for all adequate protection payments made against the total amount to be received by Thrift through the plan.**

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Debtor: Christopher O'Brien

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- 5. That commencing April 2020, if the Debtor fails to make any payment to the Chapter 13 Trustee within thirty (30) days after each payment falls due, Thrift shall be entitled to stay relief upon filing a certification of default with the Court and serving it on the Debtor, his attorney, and the Chapter 13 Trustee.**
- 6. That the Debtor must maintain insurance on the vehicle. The vehicle must have full comprehensive and collision coverage with deductibles not exceeding \$500.00 each. Thrift Investment Corporation must be listed as loss payee. If the Debtor fails to maintain valid insurance on the vehicle, Thrift shall be entitled to stay relief upon filing a certification that insurance has lapsed and serving such certification on the Debtor, his attorney, and the Chapter 13 Trustee.**
- 7. That Thrift shall retain its lien on the vehicle until the earlier of payment of the underlying debt under non-bankruptcy law or the Debtor receiving a discharge.**